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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,381	12/17/2001	Takashi Nozu	205105-9001	2436

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MICHAEL BEST & FRIEDRICH LLP
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CHICAGO, IL 60601

EXAMINER

GRANT II, JEROME

ART UNIT	PAPER NUMBER
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2625

MAIL DATE	DELIVERY MODE
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02/22/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/023,381

Applicant(s)

NOZU, TAKASHI

Examiner

Jerome Grant II

Art Unit

2625

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 3 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See the Supplement to the Advisory.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

JEROME GRANT
PRIMARY EXAMINER
J. Grant II

Supplement to the Advisory

Applicant argues that a standard time corresponds with a working time in a company that begins and ends, and that daylight time corresponds with sunrise time. There is no statement in the arguments, however, with respect to how a current time is defined.

Subsequently, applicant argues that Ogura does not provide using a standard time nor adjusting the standard time to a current time.

The basis for applicant's contention seems to be supported on a mischaracterization of the examiner's rejection set forth in the office action mailed 9-18-2006.

At page 9, beginning at the end of line 4, applicant contends that the transmission time generating unit generates a "current time". However, the examiner specifically states in the office action that "... a second unit (time generation unit, see col. 10, line 562 for the purpose claimed...." The purpose of the second unit, according to the claim is that the second unit makes access to said first unit and receives the first signal. Applicant has not explained why the timing generation unit could not be the second unit as argued in the rejection. Instead, applicant has mischaracterized the rejection and made his own

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arguments or interpretations of what the timing unit could be then refuted it. Applicant's arguments are not convincing here.

At page 9, lines 5-10, applicant argues that "...The transmission time setting register sets a data transmission time...." Then applicant states that the data transmission time is different from a standard time."

The examiner opines that applicant has again mischaracterized the examiner's rejection and has not answered it. Nowhere in the rejection to claims 1, 3 or 6 does the examiner make reference to "transmission time setting register". So how does applicant use this to refute the rejection. The examiner never stated that the transmission time setting register is or has a relationship with a standard time. Again, applicant has made his own arguments or interpretations of how Ogura was thought to relate or not relate to the claims of the present invention, but these are not the opinions, inferences or specific states of the examiner. Therefore, applicant's arguments do not address the rejections and are not persuasive.

The first full paragraph of page 9, is applicant's analysis of Ogura but it is not clear how it relates to the rejection made by the examiner.

The second full paragraph of page 9, is a mere allegation with no support for the argument contended.

Regarding the last full paragraph, applicant argues that Ogura fails to teach, "... a third signal to indicate that the standard time is not to be adjusted." Upon closer view, this limitation is neither inferred or specifically stated. Claim 1 refers to a fourth unit that *outputs a third signal indicative of the standard time as the current time.* The claim says nothing about a third signal being indicative of a non – adjustment. Applicant is arguing for a limitation which is not supported by claim 1. The examiner contends that the inherency of the limitation claimed is appropriate. If a logic "1" is generated when a standard time is to be adjusted to a current time. Then when a logic "0" is generated, the third signal, the current time is not to be adjusted and the current time is the same as the standard time. This is inherent since it flows from basic digital logic, for example, a logic "1" is one signal indicative of a first condition, and a logic "0" is indicative of a second condition.

In Conclusion:

Applicant's arguments have been considered carefully but are unpersuasive for at least the reasons that the rejection was never addressed. Namely, applicant never addressed the elements the examiner relied upon for support of the rejection. Applicant recited what was thought to be certain limitations that could have been obvious or anticipated via Ogura and refuted them. Applicant then argued limitations which were

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not supported in the claim and alleged that the examiner incorrectly referred to inherency.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerome Grant II whose telephone number is 571-272-7463. The examiner can normally be reached on Jerome Grant II from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore, can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

J. Grant II